

REMARKS

Claims 1-19 are pending in the application. Reconsideration of the present application, as amended, is respectfully requested.

The Examiner rejected claims 1 to 19 under 35 U.S.C. §103(a) as being anticipated by Itakura et al. (U.S. 6,278,873B1) in view of Bolanos (U.S. 6,926,144A). These rejections are respectfully traversed. Applicant respectfully points out, as stated above, that neither Itakura et al. nor Bolanos, taken either alone or in combination, discloses the wearable device of claim 1. Thus, the combination of Itakura et. al. and Bolanos does not teach or suggest claim 1 or claims 2 to 19, which depend therefrom.

Claim 1 clearly claims a loop antenna wherein the first plane is substantially coplanar with the second plane. The Action concedes that Itakura fails to teach a loop antenna wherein the first plane is substantially coplanar with the second plane. The Action cites Bolanos for teaching this feature.

Applicant respectfully suggests that Bolanos does not disclose a loop antenna wherein the first plane is substantially coplanar with the second plane. Rather, Bolanos et al. discloses a loop-shaped antenna 302, which comprises conductor portions 418, 420, 422, and 416 (see Figs. 4 and 7), and a circuit board 406. The loop of antenna 302 starts from one connection tab 424, continues through

parts 418, 420, 416, 422 and 418, respectively, and ends at another connection tab 424. The loop of antenna 302 is not planar. Rather, the loop antenna 302 extends in all three dimensions (see Fig. 4). Moreover, even if the loop (i.e. parts 418, 420, 416, 422, 46, 422 and 418 respectively) formed by antenna 302 was considered as disposed in a plane, such a plane would be vertical (see Figures 4 and 7), whereas the circuit board 406 is clearly disposed on a horizontal plane (see Figures 4, 6 and 7). In other words, such a plane of the loop between connection tabs 424 of antenna 302 is in fact substantially perpendicular to the plane of the circuit board 406. The Bolanos vertically disposed loop antenna is not coplanar as it does not lie in the same plane with the circuit board. Thus, Bolanos et al. fails to teach an essential feature of the present invention i.e. said first plane being substantially coplanar, as is clearly claimed in independent claim 1.

Moreover, were Itikura and Bolanos combined, as suggested by the Action, the resultant combination would not be operable as the present invention. Bolanos et al. requires a distance of “at least 1.8 mm” (page 4, lines 38 to 43) between the antenna and the circuit substrate. By contrast, the present invention does not require a minimum distance between the antenna and the circuit substrate. Rather, the antenna of the present invention must be set as close to the circuit board as is desirable; see e.g. page 4, lines 13 to 17 and 24 to 35. “[A] wearable device is typically of limited size and on the other hand the antenna should not be very protruding, which also constructs the antenna design” (page 1, lines 17 to 19). Thus, the combination of Itakura and Bolanos fails to teach the present invention i.e. a wearable device wherein said first plane being substantially coplanar, as

is clearly claimed in independent claim 1.

Since the combination of Itakura and Bolanos does not disclose or suggest all the limitations of claim 1, it does not render obvious claim 1. Claims 2 to 19, which depend directly or indirectly from claim 1 and add further features thereto are not obvious for at least the reasons discussed with respect to claim 1. Accordingly, the rejections under 35 U.S.C. § 103(a) of claims 1 to 19 should be withdrawn and claims 1 to 19 should be allowed.

Conclusion

In view of the foregoing, Applicant respectfully submits that all claims presented in this application are currently in condition for allowance. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed to allowance.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

A petition for three month's extension of time is filed herewith. Applicant's representative believes that this response is being filed in a timely manner. In the event that any

Appl. No. 09/769,851
Amdt. Dated October 19, 2004
Reply to Office Action of April 19, 2004

9038.1001

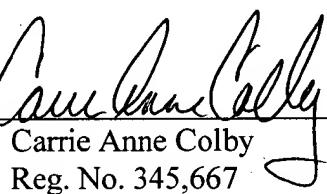
extension and/or fee is required for the entry of this amendment the Commissioner is hereby authorized to charge

said fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
STEINBERG & RASKIN, P.C.

By:


Carrie Anne Colby
Reg. No. 345,667

Steinberg & Raskin, P.C.
1140 Avenue of the Americas
New York, New York 10036
(212) 768-3800